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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,461

11/10/2003

Shinichi Shinohara

SHX 318A

5739

23581 7590 08/09/2007
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EXAMINER

GOFF II, JOHN L

ART UNIT

PAPER NUMBER

1733

MAIL DATE

DELIVERY MODE

08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/705,461	Applicant(s) SHINOHARA ET AL.	
	Examiner John L. Goff	Art Unit 1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-16.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


 John L. Goff
 Primary Examiner
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Continuation of 11. does NOT place the application in condition for allowance because:

Applicants argue, “In contrast, the apparatus of claim 1 recites “the adhesive-supplying nozzle is connected to ... a ground potential,” and so the adhesive within the adhesive tank for storing the adhesive is prevented from being exposed to a potential charge via the adhesive in the adhesive-supplying nozzle. The stability of the adhesive in the storage tank is therefore maintained, the effect of the voltage impression can be heightened, and the adhesive can therefore be stably released from the adhesive-supplying nozzle.”.

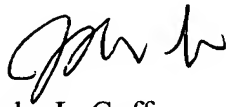
The claims are not commensurate in scope with this argument. The claims do not require an adhesive storage tank nor do the claims require the capability of maintaining the stability of adhesive in the storage tank.

Applicants further argue, “In addition, Applicants suggest that the combination of Otsuka et al., Naka et al., and Morley is improper. While Otsuka et al. and Naka et al. are directed to disc manufacture, the Morley reference is not reasonably pertinent to the problem addressed by the present invention. In particular, Morley does not discuss the manufacture of optical discs. Morley relates to a plasma generator for generating electrical plasma in a vacuum, and does not relate to an apparatus for supplying an adhesive from an adhesive-supplying nozzle to an optical disc substrate. One of ordinary skill in the art would not be led to the Morley reference in an attempt to improve optical disc manufacture, particularly where the prior art fails to disclose the nature of the problem to be solved thereby.”.

As noted in the Final Rejection, “It is well taken in the art of electrode apparatus which include first and second opposed electrodes capable of forming an electric field therebetween that not only are the electrodes connected to a power supply but the electrodes are connected to a

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ground potential for safety reasons as shown by Morley". In summary, including a ground potential on the apparatus for safety reasons is well taken in the art wherein Morley is cited in support, it being noted the background of Morley describes the well known use of a ground potential for safety reasons.

A handwritten signature in black ink, appearing to read 'John L. Goff', with a stylized flourish at the end.

John L. Goff
Primary Examiner
Art Unit 1733